

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
Plaintiff,	)	
	)	C.A. No. 21-1015 (JLH)
v.	)	
	)	
SAREPTA THERAPEUTICS, INC.,	)	
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
Defendant/Counter-Plaintiffs	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD. and NS	)	
PHARMA, INC.,	)	
Plaintiff/Counter Defendants.	)	

[AMENDED] VERDICT FORM

### **INSTRUCTIONS**

When answering the following questions and completing this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions for guidance on the law applicable to each question.

**Nippon Shinyaku Asserted Patents.** As used herein the five patents (“NS Patents”) are

1. The '092 Patent referring to U.S. Patent No. 10,385,092.
2. The '461 Patent referring to U.S. Patent No. 10,407,461.
3. The '106 Patent referring to U.S. Patent No. 10,487,106.
4. The '741 Patent referring to U.S. Patent No. 10,647,741.
5. The '217 Patent referring to U.S. Patent No. 10,662,217.

**Sarepta Asserted Patent.** As used herein the asserted patent is:

1. The '851 Patent (or “the Wilton Patent”) referring to U.S. Patent No. 9,994,851.

We, the jury, unanimously agree to the answers to the following questions as our verdict in this case:

**FINDINGS ON INVALIDITY OF THE NS PATENTS**

**Directions for Question 1:** Please answer Question 1.

**Obviousness of the Asserted Claims of the NS Patents**

1. Has Sarepta proven by clear and convincing evidence that any of the following claims of the NS Patents are invalid as obvious? Place a check mark in the appropriate box for each listed asserted claim.

<b>'092 Patent</b>		
	<b>YES</b> (finding for Sarepta)	<b>NO</b> (finding for Nippon Shinyaku)
Claim 3		

<b>'461 Patent</b>		
	<b>YES</b> (finding for Sarepta)	<b>NO</b> (finding for Nippon Shinyaku)
Claim 2		

<b>'106 Patent</b>		
	<b>YES</b> (finding for Sarepta)	<b>NO</b> (finding for Nippon Shinyaku)
Claim 1		

<b>'741 Patent</b>		
	<b>YES</b> (finding for Sarepta)	<b>NO</b> (finding for Nippon Shinyaku)
Claim 3		

<b>'217 Patent</b>		
	<b>YES</b> (finding for Sarepta)	<b>NO</b> (finding for Nippon Shinyaku)
Claim 4		

**FINDINGS OF PATENT DAMAGES FOR NIPPON SHINYAKU (IF APPLICABLE)**

**Directions for Question 2:** If you answered “NO” for any claim in Question 1, answer Question 2. Otherwise, skip to Question 3.

**2. Nippon Shinyaku has proven by a preponderance of the evidence that it is entitled to damages for: (answer only one)**

\_\_\_\_\_ Lost profits (Answer Question 2.a only, and proceed to Question 3)

OR

\_\_\_\_\_ Only a reasonable royalty (Answer Question 2.b only and proceed to Question 3)

**2.a If you find that Nippon Shinyaku is entitled to lost profits answer both parts below**

For lost profits of \$ \_\_\_\_\_

AND

For royalties for sales not included in lost profits \$ \_\_\_\_\_, which is a royalty of \_\_\_\_\_%

**2.b If you find that Nippon Shinyaku is entitled to only a reasonable royalty:**

For a reasonable royalty \$ \_\_\_\_\_ for all units, which is a royalty of \_\_\_\_\_%.

**FINDINGS ON WILLFUL INFRINGEMENT OF NS PATENTS (IF APPLICABLE)**

**Directions for Question 3:** If you answered “NO” for any patent claim in Question 1, answer Question 3. Otherwise, skip to Question 4.

- 3. Has Nippon Shinyaku proven by a preponderance of the evidence that Sarepta has willfully infringed the NS Patents?**

**YES** \_\_\_\_\_  
(finding for Nippon Shinyaku)

**NO** \_\_\_\_\_  
(finding for Sarepta)

**FINDINGS ON INVALIDITY OF THE WILTON PATENT**

**Directions for Question 4:** Answer Question 4, regardless of how you answered any other Question.

**Written Description Requirement for the Asserted Claim of the Wilton Patent**

**4a. Have Nippon Shinyaku and NS Pharma proven by clear and convincing evidence that the following claim of the Wilton Patent is invalid for lack of adequate written description? (Place a check mark in the appropriate box below.)**

'851 Patent		
	<b>YES</b> (finding for Nippon Shinyaku and NS Pharma)	<b>NO</b> (finding for Sarepta)
Claim 1		

**Enablement Requirement for the Asserted Claim of the Wilton Patent**

**4b. Have Nippon Shinyaku and NS Pharma proven by clear and convincing evidence that the following claim of the Wilton Patent is invalid for lack of enablement? (Place a check mark in the appropriate box below.)**

'851 Patent		
	<b>YES</b> (finding for Nippon Shinyaku and NS Pharma)	<b>NO</b> (finding for Sarepta)
Claim 1		

**FINDINGS OF PATENT DAMAGES FOR SAREPTA (IF APPLICABLE)**

**Directions for Question 5:** If you answered “NO” to both Question 4a and Question 4b, answer Question 5. If you answered “YES” to either Question 4a or Question 4b, skip Question 5, and proceed to Question 6.

**5. Sarepta has proven by a preponderance of the evidence that it is entitled to damages for: (Answer only one subpart)**

\_\_\_\_\_ Lost profits (Answer Question 5.a only, then proceed to Question 6)

OR

\_\_\_\_\_ Only a reasonable royalty (Answer Question 5.b only, then proceed to Question 6)

**5.a If you find that Sarepta is entitled to lost profits, answer both parts:**

For lost profits of \$ \_\_\_\_\_

AND

For royalties for sales not included in lost profits \$ \_\_\_\_\_, which is a royalty of \_\_\_\_\_%

**5.b If you find that Sarepta is entitled to only a reasonable royalty:**

For a reasonable royalty \$ \_\_\_\_\_ for all units, which is a royalty of \_\_\_\_\_%.



**FINDINGS ON WILLFUL INFRINGEMENT OF WILTON PATENT (IF APPLICABLE)**

**Directions for Question 6:** If you answered “NO” to both Question 4a and Question 4b, answer Question 6. Otherwise, proceed to the last page of the Verdict Form and sign and date the page.

**6. Have Sarepta and UWA proven by a preponderance of the evidence that Nippon Shinyaku and NS Pharma have willfully infringed the Wilton Patent?**

**YES** \_\_\_\_\_  
(finding for Sarepta)

**NO** \_\_\_\_\_  
(finding for Nippon Shinyaku and NS Pharma)

You have now reached the end of the verdict form, and you should review it to ensure it accurately reflects your unanimous determinations. You must each sign the verdict form in the spaces below and notify the Jury Officer after you have reached a verdict.

Date: \_\_\_\_\_

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